

**SEALED**

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FILED IN UNITED STATES DISTRICT  
 COURT, DISTRICT OF UTAH

APR 29 2016

BY D. MARK JONES, CLERK  
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IN THE UNITED STATES DISTRICT COURT  
 DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANKIE LEAL,

Defendant.

Case No. 2:16-mj-273-EJF

COMPLAINT

Magistrate Evelyn J. Furse

Before Evelyn J. Furse, United States Magistrate Judge for the District of Utah,  
 appears the undersigned, who on oath deposes and says:

**COUNT 1**

**21 U.S.C. § 841(a)(1)**

**(Possession with Intent to Distribute a Controlled Substance)**

On or about April 28, 2016, in the Central Division of the District of Utah,

**FRANKIE LEAL,**

the named defendant herein, did knowingly and intentionally possess with intent to  
 distribute a mixture or substance containing a detectable amount of methamphetamine, a  
 Schedule II controlled substance, within the meaning of 21 U.S.C. § 812, all in violation of  
 21 U.S.C. § 841(a)(1), and punishable pursuant to 21 U.S.C. § 841(b)(1)(C).

**COUNT 2**

**18 U.S.C. § 924(c)**

**(Carrying a Firearm During and in Relation to a Drug Trafficking Crime)**

On or about April 28, 2016, in the Central Division of the District of Utah,

**FRANKIE LEAL,**

defendant herein, did knowingly carry a firearm during and in relation to a drug trafficking crime, to wit: possession with intent to distribute ~~heroin~~ <sup>methamphetamine CHC BSA</sup>, a violation of 21 U.S.C. §

841(a)(1), as alleged in Count 1 of this Complaint, which count is incorporated by reference herein; all in violation of 18 U.S.C. § 924(c).

**COUNT 3**

**18 U.S.C. § 922(g)(1)**

**(Possession of a Firearm by a Convicted Felon)**

On or about April 28, 2016, in the Central Division of the District of Utah,

**FRANKIE LEAL,**

the defendant herein, having been convicted of a crime punishable by imprisonment for more than one year, did knowingly possess in and affecting interstate commerce a firearm, to wit: a 38 Special Taurus, all in violation of 18 U.S.C. § 922(g)(1).

Complainant states that this complaint is based on information obtained through an investigation consisting of the following:

1. On April 28, 2016, I located a stolen 2016 Chevrolet Tahoe bearing Arizona license plate ATK2218. The Tahoe returned as stolen on NCIC under NIC#V588309307. Officer conducted mobile surveillance on the stolen Tahoe as an arrest plan was being set up.

2. An assisting officer was able to deploy spikes and successfully spike the stolen Tahoe's tires as the Tahoe then fled from officers. As the driver of the stolen Tahoe fled, a police helicopter was able to maintain a visual on the suspect. I observed the driver of the stolen abandon the stolen Tahoe and run away on foot in the area of 3835 South Lee Maur Street.

3. I observed a Hispanic male dressed in a white shirt and white shorts jump out of the Tahoe and run behind a residence. I ran after the male and when I lost sight of him, I maintained a visual on the northwest corner of the residence making sure the suspect did not leave and waited for more officers to arrive.

4. The driver of the stolen Tahoe was surrounded and found hiding underneath a carport. I saw the male attempt to jump over a fence and then run back towards the main street.


5. I ran after the male on the opposite side of the car port hoping to cut him off. I was able to successfully cut the male off and the suspect ran into me as he turned the corner. I took the male into custody and identified him as Frankie Leal, a wanted parole fugitive. The defendant is a convicted felon and on felony probation.

6. Officers searched the area where the defendant had been hiding. They saw a bag a short distance from where the defendant had attempted to jump the fence. The officers found in the bag a loaded and cocked silver .38 Special Taurus, along with several two inch by one inch baggies, shaved keys and an iPod. A baggie containing approximately 14 grams of a white crystalline substance was found in the carport and

another 22 grams found in the Tahoe. The two quantities both field tested positive for methamphetamine.

7. After I read the defendant his Miranda rights, he admitted jumping out of the Tahoe and running from me and other officers. He stated he was scared and ran because his tires were flat. He further stated he got the Tahoe from a friend who had rented it with a fake name. The defendant denied knowing that the Tahoe was stolen.

8. The defendant admitted he had methamphetamine in his pocket and it must have fallen out where he had been hiding when he ran from Tahoe. He denied knowing anything about black bag which was found close to where he attempted to jump the fence.


  
B. Sage Frederickson  
West Valley City Police Officer  
West Valley City Police Department

APPROVED:

JOHN W. HUBER  
United States Attorney

  
CY H. CASTLE  
Assistant United States Attorney

SUBSCRIBED AND SWORN TO BEFORE ME this 29th day of April, 2016.

  
Evelyn J. Furse  
United States Magistrate Judge